

REMARKS

Claims 1, 2, 4, 16-20, 22, 26-28 and 31-34 are currently pending in the subject application and are presently under consideration. Claims 1, 16, 22, and 34 have been amended. Claims 3, 21, 23 and 28 are cancelled in this response. A listing of claims can be found at pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-3, 16-23 and 26-33 Under 35 U.S.C. §103(a)

Claims 1-3, 16-23 and 26-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* (U.S. 5,978,773) in view of Keithley, *et al.* (U.S. 5,584,025). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz, *et al.* nor Keithley, *et al.* alone or in combination, teach or suggest the limitations set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* See MPEP §706.02(j).

The claimed subject matter relates to database access for consumer products and selective retrieval and display of product information. Specifically independent claims 1, 16, 22 and 34 recite *selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal and selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the database.* Neither of the cited references teaches nor suggests such features of the claimed invention.

Hudetz, *et al.* provides a method for using an ordinary article of commerce to access a remote computer. The remote computer provides a database that relates uniform product code numbers to internet network addresses. Consumers enter product UPC symbols to access an internet resource. The database retrieves the URL corresponding to UPC code. Hence, Hudetz, *et al.* provides information from internet to consumer through UPC code but it does not contemplate *selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the database*. Moreover, the cited document does not teach or suggest transmitting demographic information comprising at least geographic location of the consumer to the product manufacturer. Hence Hudetz, *et al.* fails to teach or suggest all aspects of the subject claims.

The secondary reference, Keithley, *et al.* employed by the Examiner also fails to teach or suggest such novel aspects. Keithley, *et al.* provides an information processing system for acquiring and displaying information relating to a specific industry, particularly the field of real estate. The system provides a server which has an input/output device for receiving and transmitting data. An end consumer terminal provides the ability to enter, transmit, receive and display data to and from the server. The compilation of information in the database includes demographic statistics which are usable by advertisers and various industry related entities. Such demographic information is related to specific text and graphics data selected from the database files by users. (See Keithley, *et al.* claim 1 section g). However, the secondary document does not teach or suggest determining the geographic origin of the product inquiries as recited in the subject claims. Additionally, Keithley, *et al.* provides for consumers to enter requests and receive requested information through end consumer terminals but does not take into account *selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal and selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the database*.

In view of at least the foregoing, it is readily apparent that the cited references Hudetz, *et al.* and Keithley, *et al.* either alone or in combination, fail to teach or suggest all aspects of the subject claims. Accordingly, this rejection should be withdrawn.

II. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* and Keithley, *et al.* as applied to claim 1 above, and further in view of Kaplan, *et al.* (US 5,963,916). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Hudetz, *et al.*, Keithley, *et al.* and Kaplan, *et al.*, alone or in combination, fail to teach or suggest all aspects set forth in the subject claims. In particular, Kaplan, *et al.* does not make up for the aforementioned deficiencies of Hudetz, *et al.* and Keithley, *et al.* with respect to amended independent claim 1 (from which claim 4 depends). Thus, the subject invention as recited in the subject claims is not obvious over the combination of Hudetz, *et al.*, Keithley *et al.* and Kaplan *et al.* Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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